

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: AUGUST 26, 2013

Committee Members Present: Others Present:

Supervisors Bentley	Martin Auffredou, County Attorney
Monroe	Kevin B. Geraghty, Chairman of the Board
Dickinson	Paul Dusek, County Administrator
Vanselow	JOAN SADY, CLERK OF THE BOARD
Mason	FRANK THOMAS, BUDGET OFFICER
	SUPERVISORS FRASIER

Committee Members Absent:

Supervisors Kenny	GIRARD
Strainer	MONTESI
	TAYLOR
	WESTCOTT
	WOOD
	DON LEHMAN, <i>THE POST STAR</i>
	BUD YORK, WARREN COUNTY SHERIFF
	SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

Mr. Bentley called the meeting of the Criminal Justice Committee to order at 9:33 a.m.

Motion was made by Mr. Mason, seconded by Mr. Vanselow and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Martin Auffredou, County Attorney, who distributed copies of the Plan of the Warren County Bar Association, Inc. for Assigned Counsel Services; a copy of which is on file with the minutes. He explained that County Law Section 722 (3) required that the County have a formal plan for representation of criminal defendants when conflicts of interest existed that did not permit representation by the Public Defenders Office. He said the Plan had to be approved by the Warren County Bar Association, the Unified Court System, and the Warren County Board of Supervisors before it could be enacted.

Mr. Auffredou advised the Plan included outlining the role of Joy LaFountain, Assigned Counsel Administrator, as well as the qualifications for being included as an Attorney on the Panel for Assigned Counsel. He said that the majority of the Attorneys currently on the Assigned Counsel list would remain eligible. He stated a provision was included as to how payments were made and it required Ms. LaFountain to review and approve the vouchers before they were sent to the Judge for approval.

With regards to Item 3 of the Plan, Mr. Auffredou noted that the Trial Judge had certain statutory rights allowing him/her to appoint counsel no matter what the position was. Item 4, he apprised, referred to the general qualifications of the Attorney and Item 5 detailed the Application for and Appointment to the Assigned Counsel Panel. He advised Item 6 specified the process for Appointments of the Attorney for representation of the indigent defendants.

Mr. Auffredou stated that Item 7 referred to the Standards of Indigence. He advised the Plan specified that no clear statewide standard existed to determine whether an individual was indigent; therefore, he said, Warren County utilized a formula set forth by a percentage of the poverty guidelines with reasonable deductions, including FICA expenses and child support.

Item 8, Mr. Auffredou apprised, related to the standards of conduct for Assigned Counsel and Item 9 referred to the intentional submission of incorrect information, applications, vouchers, etc. He stated that Item 10 detailed the limitations on the number of assignments to individuals during the course of the year and Item 11 referred to how the payment to the Assigned Counsel was managed.

Mr. Auffredou advised Item 12 was in reference to the Annual Report the Warren County Bar Association could request with regards to the activities of the Assigned Counsel Administrator for the year. He reiterated the Plan was subject to approval by the Warren County Bar Association, the Warren County Board of Supervisors, and the Unified Court System.

Mr. Mason questioned whether the Plan was comparable to what was currently being utilized by the Assigned Counsel Office and Mr. Auffredou replied affirmatively. Mr. Vanselow queried whether a statewide standard for determining whether an individual was indigent was pending and Mr. Auffredou replied in the negative. He said he felt that if a statewide standard was adopted it would be similar to the formula being utilized by the Plan.

With regards to the fees generated by the Assigned Counsel Office, Mr. Auffredou stated that Ms. LaFountain had provided him with an estimated figure of \$600,000. He reiterated the majority of the Attorneys currently on the Assigned Counsel list would remain qualified on the Plan.

Motion was made by Mr. Dickinson, seconded by Mr. Mason and carried unanimously to approve the Plan of the Warren County Bar Association, Inc. for Assigned Counsel Services as outlined above and the necessary resolution was authorized for the September 20, 2013 Board meeting. *A copy of the resolution request form is on file with the minutes.*

As there was no further business to come before the Criminal Justice Committee, on motion made by Mr. Mason and seconded by Mr. Dickinson, Mr. Bentley adjourned the meeting at 9:43 a.m.

Respectfully Submitted,
Sarah McLenithan, Legislative Office Specialist